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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,561	10/31/2003	Thomas Grafenauer	03100134US	8413

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EXAMINER

DIXON, MERRICK L

ART UNIT PAPER NUMBER

1774

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 10/697,561	Applicant(s) GRAFENAUER, THOMAS	
Examiner Merrick Dixon	Art Unit 1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 October 2003.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



**MERRICK DIXON
PRIMARY EXAMINER**

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10-31-03.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

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1. The abstract of the disclosure is objected to because it contains the legal word, "comprising". Correction is required. See MPEP § 608.01(b).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Prawdzik et al(US 4689102).

The cited reference teaches the claimed invention including fiberboard floor panel comprising a support board having a decoration printed on top thereon and further covered by a transparent resin- col 1, line 25-65; col 8, lines 42-61. concerning claim 2, the reference also teaches decorated prints on its underside- col 9, lines 10-18. concerning claim 3, the reference teaches corundum particle in col 3, lines 50-65; col 10, lines 29-64. concerning claim 14, the reference teaches multilayered panel- col 9, lines 10-18; see entire reference.

4. Claims 6,7,10,17 and 18 rejected under 35 U.S.C. 102(b) as being anticipated by Prawdzik et al(US 4689102).

The reference teaches the claimed invention including the process for making fiberboard comprising printing a decoration on the substrate surface, spreading resin material via roller means and further causing same layers to be pressed together- col 8,

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lines 56- col 9, line 9. concerning claims 10,17 and 18, the reference teaches printing steps in col 1, lines 61-65; col 9, lines 10-15. Concerning claim 7, the claimed particles in col 4, lines 50-52.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prawdzik et al(US 3192294) in view of Streed et al(US 3192294). The primary reference substantially teaches the claimed process as discussed above. The primary reference fails to expressly teach the aspect to forming a relief in its product's surface. The secondary reference to Streed et al, however, teaches that it is known in the art to impart relief decorations in similarly patented flooring devices as the primary reference- col 1, lines 16-19; col 3, lines 59-75. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference to Streed et al and form similar relief decorative patterns in the primary reference's substrate's surface, in the absence of unexpected results motivated by the desire to impart texture look to same- col 1, lines 27-36; col 4, lines 1-5. concerning claims 11-13, the primary reference teaches the aspect of cutting its product to desired sizes in col 1, lines 30-36.

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7. Claims 4,5,15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prawdzik et al(US 3192294) in view of Streed et al(US 3192294). The primary referenc substantially teaches the claimed invention including fiberboard articles as discussed in section 3 above, inter alla. The reference fails to expressly teach the aspect of including a relief in its product's surface. The secondary reference to Streed et al, however, teaches that it is known in the art to provide relief decoration in similarly patented flooring devices as the primary reference- col 1, lines 16-19; col 3, lines 59-75. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference to Streed et al and include relief decorative patterns in the primary reference's substrate's surface, in the absence of unexpected results motivated by the desire to impart texture look to same- col 1, lines 27-36; col 4, lines 1-5. Concerning claims 5,15 and 16, the secondary reference expressly teaches relief patterns- col 1, lines 27-30; col 3, lines 61-68.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thiers(US 6931811),Zeif(US 6584739 B2) and Stecker(US 6150009) are cited of interest for their respective teachings and additionally to show the state of the art.

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Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). **NOTE: All facsimiles sent to the examiner's**

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personal fax number should be in draft-forms and will be treated as informal.

Same facsimiles will not be entered in the related applications unless otherwise agreed and noted by the examiner.

The fax number for all other fascimile is 571-273-8300.

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

Status inquires for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

Any questions concerning the instant communication should be directed to Examiner Dixon, at 571-272-1520, Mondays, Wednesdays and Thursdays, between 12 noon and 8 PM, eastern time .



Merrick Dixon

Primary Examiner

Group 1700